

REMARKS

This is a response to the Final Office Action of April 29, 2004 filed with a petition for a one month extension of time and the requisite fee.

Claims rejection - 35 U.S.C. 112, First Paragraph

The Examiner rejects Claims 14-15 and Claims 44-69 under 35 U.S.C. 112, first paragraph. Specifically, the Examiner states that he can not ascertain support for the recitation of "partial recording information area where partial recording information is recorded." The Applicant assumes that the Examiner meant to state Claims 4-15 and 44-69 are rejected under 35 U.S.C., first paragraph, since all these claims contain the specified claim feature.

The Examiner also states that Applicant's arguments filed 2/25/04 are not persuasive. The Examiner further states that he cannot reconcile Applicant's interpretation with respect to "plurality of VOBs 10 correspond to a partial recording information area" as presented on page 26 of the response containing Applicant's arguments filed 2/25/04. According to the Examiner, "[n]owhere as originally filed/nor as presented permits such an interpretation." The Applicant traverses this rejection as follows.

By way of additional explanation, but not of limitation, the Applicant submits that, in Figure 1, the VTS regions 3 (see, for example, VTS # 2 region in the first line of Figure 1) comprise a plurality of VOB regions 10 (VOBS, as shown in the second and third lines of Figure 1). The VTS regions 3 also comprise a control data region 11, as shown in the second line of Figure 1. Therefore, the VOB regions 10 form a "partial recording information area." See also page 12, lines 5-8 of the specification which state, by way of example, but not of limitation, that the "VOB set is defined to distinguish the VOB 10, which constructs one portion of the VTS 3 as the substantial portion of the video and

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audio information, from the control data 11, which constructs another portion of the VTS 3" (emphasis added). Therefore, the Applicant submits that the plurality of VOBs 10 indeed correspond, by way of example but not of limitation, to a "*partial recording information area*" and that all currently pending claims are allowable under 35 U.S.C. 112, first paragraph. As a consequence, the Applicant respectfully requests that the rejection based on 35 U.S.C. 112, first paragraph, be withdrawn.

Claims rejection - 35 U.S.C. 103

In section 2 of the Action, the Examiner rejects claims 4-15 and 44-69 under 35 U.S.C. 103 as being unpatentable over Heo, considered with Yonemitsu et al and all further considered with EP 0800164. The applicant traverses this rejection as follows.

The Applicant respectfully submits that EP 0800164 is not a prior art document. The EP document's publication date is October 8, 1997 (08.10.1997 under the European standard for writing dates), which publication date is later than the August 14, 1997 foreign priority date of the present application. The EP 0800164 publication date of October 8, 1997 has been taken from the cover page of the EP 0800164. The cover page is enclosed with the present response, for the Examiner's ease of reference.

The Examiner cannot rely upon EP 0800164 for rejecting any claims, if the Applicant's claimed priority date of August 14, 1997 is proper.

The Applicant notes that the filing receipt for the present application indicates that the present application claims the benefit of the Japanese application no. P09-219418, filed on August 14, 1997. The Applicant has already provided the USPTO with a certified copy of Japanese Application No. P09-219418 showing a filing date of August 14, 1997. The Applicant has also already provided the USPTO with a verified English translation of Japanese Application No. P09-219418. The English translation will assist the

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Examiner in understanding the scope of the disclosure of Japanese Application No. P09-219418 as it pertains to the present application.

As a consequence, the Applicant submits that the rejection of Claims 4-15 and 44-69 based on EP 0800164 is improper, since EP 0800164 does not constitute proper prior art to the present application. Therefore, the Applicant respectfully requests that the Examiner withdraw the rejection of Claims 4-15 and 44-69.

* * *

In view of the above, reconsideration of the rejection of Claims 4-15 and 44-69 and allowance of all claims of the application are respectfully solicited. Prompt issuance of a Notice of Allowance is respectfully solicited.

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The Commissioner is authorized to charge any additional fees which may be required or credit overpayment to deposit account no. 12-0415. In particular, if this response is not timely filed, then the Commissioner is authorized to treat this response as including a petition to extend the time period pursuant to 37 CFR 1.136 (a) requesting an extension of time of the number of months necessary to make this response timely filed and the petition fee due in connection therewith may be charged to deposit account no. 12-0415.

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop AF, Commissioner for Patent P.O. Box 1450 Alexandria, VA 22313-1450 on

August 26, 2004
(Date of Deposit)

Susan Papp
(Name of Person Depositing)

Susan Papp
08/26/04
Signature
Date

Respectfully submitted,



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Enclosures:

- Cover page of EP 0800164 A2
- Petition for time extension
- Check for one month extension fee
- Postcard